## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA FLORENCE DIVISION

Unum Life Insurance Company	) Civil Action No.: 4:15-cv-01226-RBH-KDW
of America,	)
Plaintiff / Counter-Defendant,	) )
V.	ORDER
Donna Brookshire, Bryant Weaver, and Jennifer Weaver,	) )
Defendants / Cross-Defendants,	) ) )
and	)
S.W., a minor,	)
Defendant / Counter-Claimant / Cross-Claimant.	) ) )
	)

Unum Life Insurance Company of America ("Unum") brought this interpleader action seeking relief pursuant to 29 U.S.C. § 1132 and Federal Rule of Procedure 22. *See* ECF No. 1. Unum has filed a motion seeking (1) authorization to deposit insurance policy proceeds ("the Stake") into the Court's registry, (2) an award of attorney's fees, and (3) dismissal with prejudice from this action. *See* ECF No. 22. The matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 72. The Magistrate Judge recommends the Court grant Unum's motion in its entirety. R & R at 11-12.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court.

The R & R sets forth in detail the relevant facts and legal standards for this case.

*Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court must conduct a de novo review of those portions of the R & R to which specific objections are made, and it may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

No party has filed objections to the R & R. In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Court adopts and incorporates by reference the R & R [ECF No. 72] of the Magistrate Judge. It is therefore **ORDERED** that Unum's [ECF No. 22] motion is **GRANTED IN ITS ENTIRETY** as follows:

- Unum shall **DEPOSIT** the insurance policy proceeds (the \$165,000 Stake, plus the interest accruing from the date of the decedent's death until the date the deposit is made) into the Court's registry. After depositing the proceeds, Unum shall be **DISMISSED** WITH **PREJUDICE** from this action.
- (2) Unum shall be **AWARDED** attorney's fees in the amount of \$2,464.13, which is to be deducted from the Stake and paid to Unum *when the final judgment in this case is entered*.

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## IT IS SO ORDERED.

Florence, South Carolina January 22, 2016 s/ R. Bryan HarwellR. Bryan HarwellUnited States District Judge